

REMARKS

Claims 1-21 are pending in the above-identified application. Claims 1-21 were rejected. With this Amendment, claims 1, 2, and 21 were amended. Accordingly, claims 1-21 remain at issue.

I. Objection to Specification

Applicant has amended the specification to correct minor typographical errors, as requested by the Examiner. In addition, enclosed are copies of Figures 1, 3-4, 6, 8, 10, 13-19, and 24-28 with red ink markings showing proposed changes thereto for which approval of the Examiner is requested. The changes to the drawings are to correct the drawings and do not constitute new matter. Pursuant to 37 C.F.R. § 1.121(d), Applicant will submit replacement sheets for Figures 1, 3-4, 6, 8, 10, 13-19, and 24-28.

II. 35 U.S.C. § 101

Claim 21 was rejected under 35 U.S.C. § 101. In response, Applicant has amended claim 21, as recommended by the Examiner. Accordingly, Applicant respectfully requests withdrawal of this rejection.

III. Objection to Claims

Claim 1 was objected to because of an informality. In response, Applicant has amended claim 1 as recommended by the Examiner. Accordingly, Applicant respectfully requests withdrawal of this objection.

IV. 35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 1-21 were rejected under 35 U.S.C. § 102(e) as being anticipated by Gruse et al. (U.S. Patent No. 6,389,538). Applicant respectfully traverses this rejection.

Claim 1 is directed to a content usage-fee management system for performing transaction processing of content which is usable by a user device. The content usage-fee management system has a service provider for managing a service for the provision of the content. The service provider comprises receiving means for receiving a usage log from the user device. The usage log is created by the user device and includes log information containing data of a content usage fee. The service provider further comprises determining means for determining whether the use of the content is allowed by comparing the content usage fee with a predetermined threshold value.

Gruse et al. is directed to a system for tracking usage of digital content on user devices. (See Abstract.) Content players, which receive the licensed content data from the network, are used to play the licensed content data. (See Abstract.) Information is transmitted to a logging site whenever the content data is played by the content player or copied from the content player to an external medium so that usage of the licensed content data can be tracked. (See Abstract.) In particular, content providers 101 or content proprietors are owners of original content 113 and/or distributors authorized to package independent content 113 for further distribution. (See Col. 11, line 66 through Col. 12, line 1.) Clearinghouses 105 provide record keeping for all transactions that relate to the sale and/or permitted use of the content 113. (See Col. 13, lines 45-47.) The Clearinghouse 105 keeps a record of all transactions and can report them to responsible parties. (See Col. 13, lines 63-64.) The Clearinghouse 105 also maintains an audit log 150 of information for each operation that is performed during content 113 purchase transactions and reports the request transactions. (See Col. 47, lines 49-52.) The Clearinghouse 105 verifies that the requested usage complies with the content usage conditions as defined by the content

provider 101. (See Col. 13, lines 50-55.) Thus, in Gruse et al., the Clearinghouse 105 maintains the transaction reports, provides them to other parties, and verifies whether the usage complies with the content usage conditions. Gruse et al. does not disclose or suggest a service provider for managing a service for the provision of the content comprising receiving means for receiving a usage log from the user device, the usage log being created by the user device and including log information containing data of a content usage fee and determining means for determining whether the use of the content is allowed by comparing the content usage fee with a predetermined threshold value, as required by claim 1. Accordingly, claim 1, and claims 2-10 that depend from claim 1 are allowable over Gruse et al.


For reasons similar to those disclosed above with regard to claim 1, Applicant respectfully submits that independent claims 11-21 are also allowable over Gruse et al. Accordingly, Applicant respectfully requests withdrawal of this rejection.

V. **Conclusion**

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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